

REDACTED

BEFORE THE BOARD OF MEDICAL EXAMINERS

STATE OF CALIFORNIA

In the Matter of the Accusation
against

NO. D-1536

LAWRENCE H. ARNSTEIN, M.D.
Medical Plaza, Suite B-5
Welsh Road and Pasteur Drive
Palo Alto, California
License No. A-10760,

N 5247

Respondent.

DECISION

The attached Proposed Decision of the Hearing Officer is
hereby adopted by the Board of Medical Examiners
as its Decision in the above-entitled matter.

This Decision shall become effective on June 2, 1975.

IT IS SO ORDERED May 2, 1975.

Harry G. O'Neil, Jr. 40

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Respondent.)

PROPOSED DECISION

The above-entitled matter came on regularly for hearing upon an Accusation before George R. Coan, Hearing Officer, Office of Administrative Hearings, at San Francisco, California, on February 25, 1975. C. Grogan-Beall, Deputy Attorney General, represented the Board of Medical Examiners. Respondent Lawrence H. Arnstein, M.D., was present and was represented by Louis L. Fenton, his attorney. Evidence both oral and documentary was introduced, the matter submitted, and the hearing closed. After due consideration, the Hearing Officer makes the following findings of fact:

I

Raymond Reid made the Accusation in his official capacity as the Executive Secretary of the Board of Medical Examiners.

II

On or about November 2, 1944, the Board issued to Lawrence Hugo Arnstein License No. A-10760. The current address of record for said license is Medical Plaza, Suite B-5, Welsh Road and Pasteur Drive, Palo Alto, California. License No. A-10760 is and was in full force and effect at all times mentioned herein.

III

During the period October 22, 1972 to November 22, 1972, respondent, while a member of the staff of Stanford University Hospital in Palo Alto, knowingly made false documents and placed or caused said documents to be placed in the medical record of patient Florence Dorst.

IV

Respondent had his patient admitted to Stanford Hospital to conduct two tests, an arteriogram and a pneumoencephalogram. Besides the usual hospital consent, respondent had his patient sign a consent for the arteriogram as it was being given under anesthesia. He did not have her sign a consent for the pneumoencephalogram, although he had prepared such a form. At that time, it was the policy of the hospital to require a consent form to be executed before a pneumoencephalogram test was administered. However, it was not unusual for this test to be administered at the hospital without a consent form being signed when anesthesia was not involved. Some

three weeks after the tests were given to the patient, she complained of an infection near the site of the needle entry. Respondent checked her at the hospital and ascertained that there was no infection but that the patient had suffered a heating pad burn and referred her to a skin specialist. At that time the patient's husband appeared upset that his wife had not signed the consent for the pneumoencephalogram. After the patient had left the emergency room, respondent noted that the patient had not signed the consent and traced her signature on the consent form which had been partially completed. Sometime later respondent placed into the patient's chart another consent form which he had made out himself and to which he signed the patient's name and destroyed the first consent form. He did this because he felt that it was obvious that the signature had been traced on the first form. When confronted by the Hospital Administrator, he did not admit his actions but left the impression that someone else was responsible.

V.

Respondent introduced evidence which established the following:

(1) He is 54 years of age, and is a graduate of Stanford University and its medical school in 1944. He took his residency in neurosurgery at the University of California between 1946 until 1950. He began teaching neurosurgery in the 1960's at the University of California and for 10 years was a clinical professor of

neurosurgery at Stanford. He has been certified by the American Board of Neurosurgeons in 1957 and is a Fellow of the American College of Surgeons and a Fellow of the International College of Surgeons, and a member of the Harvey Cushing Society since 1954.

(2) After a hearing before the Medical Review Committee of the Stanford Hospital, he was suspended for three months and placed on one years probation. He has since not been reappointed as a clinical professor.

(3) Prior to the pneumoencephalogram, he thoroughly explained the test to the patient several times and she gave her verbal consent.

(4) He fully realizes the seriousness of his actions.

* * * * *

Pursuant to the foregoing findings of fact, the Hearing Officer makes the following determination of the issues presented:

Respondent has committed an act of dishonesty which is unprofessional conduct pursuant to Business and Professions Code Section 2361(e), and has knowingly made and signed a document which falsely represented the existence of a state of facts and which was related to the practice of medicine which is unprofessional conduct pursuant to Business and Professions Code Section 2411 and therefore grounds for discipline have been established against respondent pursuant to Business and Professions Code Sections 2360 and 2361.

* * * * *

WHEREFORE, the Hearing Officer proposes the following order:

License No. A-10760 heretofore issued to Respondent Lawrence H. Arnstein, M.D., is suspended for a period of sixty (60) days; provided, however, that thirty (30) days of said suspension shall be stayed and respondent placed on probation for two (2) years on the following terms and conditions:

(a) For the first thirty (30) days after the effective date of this decision, respondent shall not exercise any of the privileges granted to him by his license as a physician and surgeon;

(b) Respondent shall comply with all laws of the United States and of the State of California, and its political subdivisions and all rules and regulations of the Board of Medical Examiners of the State of California;

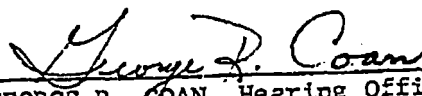
(c) Respondent shall report in person to the Board of Medical Examiners at its regular annual meetings held in San Francisco, commencing in 1975 for each year thereafter during said period of probation;

(d) Respondent shall initiate and submit to the Board of Medical Examiners at quarterly intervals, an affidavit to the effect that he has fully and faithfully complied with all the terms and conditions of the probation imposed therein.

Upon full compliance with the aforesaid terms and conditions and upon the expiration of the period of probation herein set forth respondent's license shall be fully restored free and clear of said terms and conditions. In the event, however, respondent violates any one or more of said terms and conditions then the Board may, after notice to respondent and after first providing him with an opportunity to be heard, set aside the stay of this order, reimpose an order of revocation to become effective immediately or it may in its discretion make such other order as it then deems appropriate.

I hereby certify that the foregoing constitutes my Proposed Decision in the above-entitled matter as the result of a hearing held before me on February 25, 1975, at San Francisco, California, and I hereby recommend its adoption as the decision of the Board of Medical Examiners of the State of California.

DATED: February 26, 1975


GEORGE R. COAN, Hearing Officer

COPY

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12 STATE OF CALIFORNIA
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18 Welsh Road and Pasteur Drive
19 Palo Alto, California
20 License No. A-10760

ACCUSATION

21 Respondent.
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23
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25 Raymond Reid charges and alleges as follows:

26 I

27 That he is the Executive Secretary of the Board of
28 Medical Examiners of the State of California (hereinafter referred
29 to as the "Board"), and makes the following charges and
30 allegations in his official capacity and not otherwise.
31

32 II

33 On or about November 2, 1944, the Board issued to
34 Lawrence Hugo Arnstein License No. A-10760. The current address
35 of record for said license is Medical Plaza, Suite B-5, Welsh
36 Road and Pasteur Drive, Palo Alto, California. License No. A-10760
37 is and was in full force and effect at all times mentioned herein.
38

39 III

40 During the period October 22, 1972, to November 22,
41 1972, respondent, while employed at Stanford University Hospital
42

1.


1 in Palo Alto, knowingly made false documents and placed or caused
2 said documents to be placed in the medical record of patient
3 Florence D [REDACTED].

4 IV

5 Respondent's conduct as alleged in paragraph III
6 herein constitutes Unprofessional Conduct as defined by business
7 and Professions Code section 2361(e) (Dishonesty) and section 2411
8 (False Documents). Said conduct is therefore grounds for
9 disciplinary action against his license pursuant to Business and
10 Professions Code sections 2360 and 2361.

11 Wherefore it is prayed that a hearing be held and that
12 the Board take whatever action is deemed just and proper.

13 DATED: 8/19/74.

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17 
18 RAYMOND REID, Executive Secretary
19 Board of Medical Examiners
20 State of California
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CGB/ajs
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